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SUBJECT: POSSIBLE AGREEMENT REACHED ON NEW ZIMBABWEAN  
CONSTITUTION

REF: HARARE 882

Classified By: Deputy Chief of Mission Donald Teitelbaum. Reasons 1.4(b) and (d).

¶1. (S) According to IDASA analyst Sydney Masamvu (strictly protect), representatives of the Zimbabwean ruling party (ZANU-PF) and both the Tsvangirai and Mutambara factions of the Movement for Democratic Change (MDC) reached an agreement 29-30 September on a new Zimbabwean Constitution. MDC negotiator Welshman Ncube and MDC President Morgan Tsvangirai separately told Masamvu on 4 October that South African negotiators Minister of Provincial and Local Government Sydney Mufamadi, Director General in the Presidency Frank Chikane, and Advocate Mojanku Gumbi traveled to Harare 29-30 September to hammer out an agreement with ZANU-PF and MDC officials on a new constitution, which has until now been one of the opposition's main demands. (BIO NOTE: Sandra Botha, Leader of the Opposition in Parliament for the Democratic Alliance told PolOff on 27 September that Gumbi told her on 25 September that she was no longer acting as presidential advisor to President Mbeki. END NOTE)

¶2. (S) Masamvu told PolOff that he did not know if Mugabe had approved the agreement. Masamvu was not given details of the new constitution, but was told that it is a combination of the rejected 2000 version, the rejected 2003-2004 constitution agreed to by current negotiators Patrick Chinamasa of ZANU-PF and the MDC's Welshman Ncube, and the National Constitutional Assembly's draft proposal. In return for ZANU-PF's concessions on the Constitution, MDC is to publicly ask the international community to lift sanctions against the current regime. (EMBASSY HARARE NOTE: On 26 September, in a briefing to Harare diplomats, Tsvangirai was explicit that the MDC would not ask for, nor acquiesce in, a lifting of sanctions until free and fair elections had been held (reftel). END NOTE.)

¶3. (S) According to Masamvu, negotiations continue on electoral laws (though the opposition said they feel they have made significant headway), the diaspora vote, and the repeal or reform of the Public Order and Security Act (POSA) and the Access to Information and Privacy Protection Act (AIPPA). The agreement is to be kept under tight wrap until

all parties go back to their constituents to "consult," but President Mbeki hopes to publicly announce the breakthrough settlement by the end of October.

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